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Please reply to New Jersey



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August 24, 2009

Via E-File

Magistrate Judge Patty Shwartz
USDC District Court of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07101

Re: Wei Ngai, et al. v. Old Navy, et al.
Civil Action No. 2:07-cv-05653

Dear Judge Shwartz:

As the Court is aware, this case involves infant Plaintiff, Wei Ngai, who was injured in the Edgewater Old Navy store on September 15, 2007. Her eye was cut by a sharp face out of a display stand, causing a laceration to the cornea of her left eye resulting in blindness.

On July 31, 2009, Your Honor entered an Order requiring Defendant to produce all text messages exchanged between Pro Hac Vice attorney, Scott Feringa, Esq. and GAP's representative, Fiona Williams, during the deposition of Ms. Williams on June 4, 2009 from 2:36 p.m. through 3:48 pm by August 14, 2009.

On August 14, 2009, I received a facsimile from defense counsel, George Psak, Esq., enclosing a "Certification Regarding Text Messages" which was certified by Defendant's former Pro Hac Vice Attorney, Scott Feringa, Esq. Mr. Psak's cover letter stated that same was not being electronically filed with the Court.

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August 24, 2009

Considering Mr. Feringa's past conduct, Plaintiff is submitting said Certification to the Court to verify its accuracy.

Thank you for the Court's consideration with regard to this matter.

Respectfully submitted,


ROSEMARIE ARNOLD

RA:tw
Enclosure
cc: George Psak, Esq. (Via E-Mail)



GEORGE L. PSAK*
ROBERT A. McLARTY, JR.
ELLEN L. YANG
MICHAEL J. FRANK
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*CERTIFIED BY THE SUPREME COURT
OF NEW JERSEY AS A
CIVIL TRIAL ATTORNEY
NJ AND NY BARS

August 14, 2009

Via fax 201-461-1666 and email

✓

Rosemarie Arnold, Esq.
Law Offices of Rosemarie Arnold
1386 Palisade Avenue
Fort Lee, NJ 07024

Re: Wei Ngai, Enid Tran & Chau Ngai vs. Gap, Inc.
Our File #: D 153-44720 GLP
Client File #:
Docket #: 2:07-cv-05653

Dear Ms. Arnold:

Pursuant to the Court's Order, enclosed please find Certification of Scott D. Feringa, Esq. regarding text messages that are required to be produced by Judge Shwartz's Order dated July 31, 2009, which Certification is not to be electronically filed with the Court.

Very truly yours,


George L. Psak

GLP/pat
Enc.

cc: Ms. Fiona Williams, Gap, Inc. *Via email*
Tracey Wess, Law Offices of Rosemarie Arnold, Esq. *Via email*

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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Plaintiff(s)

WEI NGAI, an infant by her Guardian
Ad Litem, ENID TRAN, ENID
TRAN, Individually, and CHAU NGAI,
Individually,

vs.

Civil Action No.: 2:07-cv-05653-KSH-PS

Defendant(s)

OLD NAVY, a subsidiary of GAP, INC.,
and/or "ABC CORP 1 through 10",
and/or "DEF CORP 1 through 10",
(the last two being fictitious designations),

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CERTIFICATION REGARDING TEXT MESSAGES

Pursuant to the Court's Order dated July 31, 2009 (Document 71) in which the
Court ordered:

"It is further ordered that no later than August 14, 2009,
Defendant shall produce all text messages from 2:36 p.m.
through 3:48 p.m., the following text messages were sent
and received between 2:36 p.m. through 3:48 p.m."

The following text messages are provided:

TO: Fiona Williams
Delivered: Jun 4, 2009 3:05:26 PM
Sent: Jun 4, 2009 3:05:49 PM

I will ask u a couple of q's too

TO: Rosemarie Arnold
Delivered: Jun 4, 2009 3:10:47 PM
Sent: Jun 4, 2009 3:11:07 PM

U r doing fine

FROM: Rosemarie Arnold
Jun 4, 2009 3:12:04 PM

U talking to me or fiona?

TO: Rosemarie Arnold
Delivered: Jun 4, 2009 3:13:00 PM
Sent: Jun 4, 2009 3:13:19 PM

My son who is coming home from school today

TO: Fiona Williams
Delivered: Jun 4, 2009 3:24:18 PM
Sent: Jun 4, 2009 3:24:47 PM

If rosemarie asks. We were not texting during the dep. Clear?

TO: Fiona Williams
Delivered: Jun 4, 2009 3:26:30 PM
Sent: Jun 4, 2009 3:26:59 PM

Fiona. The answer should be u don't know. Decision is being made by others

FROM: Fiona Williams
Jun 4, 2009 3:28:38 PM

Clear

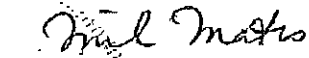
FROM: Fiona Williams
Jun 4, 2009 3:28:54 PM

Can you call me

I HEREBY DECLARE THAT THE STATEMENT ABOVE IS TRUE TO THE BEST
OF MY KNOWLEDGE, INFORMATION AND BELIEF


SCOTT D. FERINGA

Subscribed and sworn to before me this 14th day of August 2009.



NOTARY PUBLIC
Macomb County, Michigan
My commission expires: 11-15-2012

